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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,556	09/27/2001	Lonce Lamar Wyse	P21287	7713
7055	7590	10/06/2005		
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER VU, THANH T	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/889,556	<b>Applicant(s)</b> WYSE ET AL.	
	<b>Examiner</b> Thanh T. Vu	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2,4-15 and 17-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,4-15 and 17-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

AT

### DETAILED ACTION

This communication is responsive to Amendment, filed 08/17/2005.

Claims 2, 4-15, 17-25 are pending in this application. In the Amendment, claims 20-25 were added, Claims 1, 2, and 16 were canceled, and claims 2, 4, 6-8, 10, 11-15, 17-19 were amended.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 10-13, 15, 17-19, 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Capps et al., ("Capps", U.S. Patent No. 5,204,969) in view of Block et al. ("Block", U.S. Pat. No. 6,675,384).

As per claim 20, Capps teaches an apparatus that generates sound labels for describing sounds or representations thereof that belong to different sound families, each sound family being characterized by a sound model defined by a model label, comprising:

A plurality of sound generators that generates different families of sounds (col. 3, lines 16-24), each sound generator having specific set of parameters with corresponding parameter values that are selectable to generate sounds belonging to a sound family, at least one parameter value of the parameter values of said specific set of parameters being associated with value labels contextually related to said model label of a corresponding sound model characterizing said sound family (fig. 5E, items 53D and 53E; col. 5, lines 3-7). Capps does not specifically

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teach selection of said at least one parameter value automatically selects on associated valued label that is arranged to be concatenated with said model label of said corresponding sound model to form a descriptive sound label that provides content-related information describing the sound generated or presentation thereof. However, Block teach selection of said at least one parameter value automatically selects on associated valued label that is arranged to be concatenated with said model label of said corresponding sound model to form a descriptive sound label that provides content-related information describing the sound generated or presentation thereof (col. 5, lines 62-64; col. 10, lines 24-38; col. 11, lines 27-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the descriptive labels as taught by Block in the invention of Capps because the descriptive information enables user to easily to understand the nature of and content of products prior to their use.

As per claim 2, which is dependent on claim 20, Capps teach the method of claim 20 (see rejection above). Capps further teaches the apparatus of Claim 20 wherein values of each parameter are divided into a plurality of ranges, said value labels being associated with respective ranges (see Capps, figure 7, items 73D and 73E and column 5, lines 60 – 64).

As per claim 10, which is dependent on claim 20, Capps teaches the method of claim 20 (see rejection above). Capps teaches the apparatus of Claim 20 wherein said parameters from a set of parameters include values not associated with any value label (see Capps, figure 2, item 23 and column 2, line 64 – column 3, line 2).

As per claim 11, which is dependent on claim 10, Capps teaches the method of claim 10 (see rejection above). Capps teaches the apparatus of Claim 10 wherein said values not

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associated with any label include values for which said parameter has one of little or no effect on generated sound (see Capps, figure 2, item 23 and column 2, line 64 – column 3, line 2; it is inherent that the display resolution of the waveform does not effect the generated sound).

As per claim 12, which is dependent on claim 20, Capps teaches the method of claim 20 (see rejection above). Capps further teaches the apparatus of Claim 20 wherein one of sound and representation thereof comprises a digital audio file (see Capps, column 1, lines 38 – 40; it is inherent that the sound is stored digitally because it is stored in a computer memory).

As per claim 13, which is dependent on claim 20, Capps teaches the method of claim 20 (see rejection above). Capps further teaches the apparatus of Claim 20 wherein one of sound and representation thereof comprises an analog audio file (see Capps, claim 1, lines 13 – 15).

As per claim 15, which is dependent on claim 20, Capps teaches the method of claim 20 (see rejection above). Capps further teaches the apparatus of Claim 20 wherein one of sound and representation thereof comprises the selected parameter values for the sound model (see Capps, figure 2, item 20).

Per claim 17, Block teaches the apparatus of claim 20, wherein said selected corresponding label is associated with said sound it is describing (col. 9, lines 50-56; col. 10, lines 38).

Per claim 18, Block teaches the apparatus of claim 20, wherein said selected corresponding label is tagged to said sound it is describing (col. 9, lines 50-56; col. 10, lines 38).

Per claim 19, Block teaches the apparatus of claim 20, wherein said selected corresponding label is attached to a time location in a media containing said sound (col. 5, lines 55-57).

Claim 21 is rejected under the same rationale as claim 20.

Per claim 22, Capps teaches the apparatus of claim 20, wherein the generated sound is arranged to model a sound sample, the formed sound label being used to provide content-related information describing the sound sample (col. 5, lines 3-7).

Per claim 23, Capps teaches the apparatus of claim 20, wherein further comprising a customizer that customizes a description of the value labels (col. 5, lines 6-0-67).

Per claim 24, Capps teaches the apparatus of claim 20, wherein the set of parameters includes at least one parameter unique to a specific sound generator (col. 3, lines 16-24; col. 4, lines 16-24).

Per claim 25, Capps teaches the method of claim 21, wherein selecting values of a set of parameters includes calling a comparison function, whereby the selection is automatically performed (col. 5, lines 1-7).

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Capps et al., U.S. Patent No. 5,204,969, Block et al. ("Block", U.S. Pat. No. 6,675,384), and Eisenbrandt et al., U.S. Patent No. 5,438,180.

As per claim 4, which is dependent on claim 20, Capps and Block teach the method of claim 3 (see rejection above). Capps and Block do not teach the apparatus of claim 3 wherein the value and model labels are combined in a grammatical or semi-grammatical structure. Eisenbrandt teaches wherein labels and parameters are combined in a grammatical or semi-grammatical structure (see Eisenbrandt, figure 2 and column 2, lines 11 – 18). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the

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method of Eisenbrandt with the method of Capps and Block in order to provide an intuitive input selection process.

As per claim 5, which is dependent on claim 4, Capps and Block teach the method of claim 4 (see rejection above). Capps and Block do not teach the apparatus of Claim 4 wherein value labels qualify said model label. Eisenbrandt teaches wherein value labels qualify said model label (see Eisenbrandt, figure 2 and column 2, lines 26 – 30). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Eisenbrandt with the method of Capps and Block in order to provide a more intuitive input selection process.

Claims 6 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Capps et al., U.S. Patent No. 5,204,969, Block et al. (“Block”, U.S. Pat. No. 6,675,384), and Menendez et al., U.S. Patent No. 5,555,369.

As per claim 6, which is dependent on claim 20, Capps and Block teach the method of claim 20 (see rejection above). Capps and Block do not teach the apparatus of Claim 3 wherein said value labels and said model labels are concatenated using a template defining how the labels are combined. Menendez teaches wherein the value and model labels are concatenated using a template defining how the labels are combined (see Menendez, column 2, lines 37 – 48). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Menendez with the method of Capps and Block in order to provide an easier method of creating and arranging complicated graphical user interfaces.

As per claim 7, which is dependent on claim 6, Capps and Block teach the method of claim 6 (see rejection above). Capps and Block do not teach the apparatus of Claim 6 wherein

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said template specifies a relative position of each label. Menendez teaches wherein said template specifies a relative position of each label (see Menendez, column 2, lines 37 – 48). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Menendez with the method of Capps and Block in order to give a user more flexibility in creating and arranging complicated graphical user interfaces.

As per claim 8, which is dependent on claim 6, Capps and Block teach the method of claim 6 (see rejection above). Capps and Block do not teach the apparatus of claim 6 wherein said template specifies text to be used between said value and model labels. Menendez teaches wherein said template specifies text to be used between said value and model labels (see Menendez, column 9, line 61 – column 10, line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Menendez with the method of Capps and Block in order to give a user more flexibility in creating and arranging complicated graphical user interfaces.

As per claim 9, which is dependent on claim 6, Capps and Block teach the method of claim 6 (see rejection above). Capps and Block do not teach the apparatus of Claim 6 wherein said template includes conditional statements for inclusion of at least one of a label and text. Menendez teaches wherein said template includes conditional statements for inclusion of at least one of a label and text (see Menendez, column 11, lines 8 – 10; the examiner interprets a button script as a conditional statement because it will execute on the condition that the button it is associated with on the template is pressed). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Menendez with the method of



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Capps and Block in order to give a user more flexibility in creating and arranging complicated graphical user interfaces.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Capps et al., U.S. Patent No. 5,204,969, Block et al. ("Block", U.S. Pat. No. 6,675,384), and Bryan, Jr. et al., U.S. Patent No. 5,559,301.

As per claim 14, which is dependent on claim 20, Capps and Block teaches the method of claim 20 (see rejection above). Capps and Block do not teach the apparatus of Claim 20 wherein one of said sound and representation thereof comprises control codes for a synthesizer. Bryan, Jr. teaches one of said sound and representation thereof comprises control codes for a synthesizer (see Bryan, Jr., column 2, lines 40 – 46). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Bryan, Jr. with the method of Capps and Block in order to provide an improved, less complicated and easy to use graphical interface for an audio generator device.

### ***Response to Arguments***

Applicant's arguments with respect to the Amendment have been considered but are moot in view of the new ground(s) of rejection.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The examiner can normally be reached on Mon-Thur and every other Fri 7:30 AM - 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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